

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

MacArthur Day,)	C/A No. 3:13-2369-JFA-SVH
)	
Plaintiff,)	
v.)	ORDER
)	
Thomas E. Mosley, Esquire,)	
)	
Defendant.)	
)	

The plaintiff, MacArthur Day, has brought an action alleging legal malpractice claims against the defendant.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that the plaintiff's request to proceed *in forma pauperis* should be denied because plaintiff cannot establish that he is financially unable to pay the filing fee or that he is impoverished.

The Magistrate Judge provides a detailed discussion of the plaintiff's application to proceed *in forma pauperis*, the answers provided by the plaintiff to the court's special interrogatories, and the standards of law which this court incorporates without a recitation.

The plaintiff was advised of his right to submit objections to the Report and Recommendation, however, he has failed to file any objections and the time within which

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

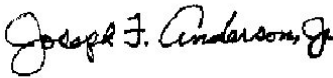
to do so has expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record and the Report and Recommendation, the court finds that the Magistrate Judge's conclusions are proper and are hereby incorporated herein by reference. Accordingly, the plaintiff's motion to proceed *in forma pauperis* is denied.

Plaintiff shall have thirty (30) days from the date of this order to pay the filing fee or this action will be dismissed for lack of prosecution.

IT IS SO ORDERED.

December 6, 2013
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge